

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUGUST BYRON KREIS, IV,
Plaintiff,

v.

OFFICER THOMAS SMITH,
Defendant.

:
:
:
:
:
:
:

CIVIL ACTION NO. 24-CV-3686

ORDER

AND NOW, this 19th day of March, 2025, upon consideration of August Byron Kreis, IV's and *pro se* Amended Complaint (ECF No. 20), it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The dismissal is without prejudice to Kreis filing a new case only in the event his underlying conviction is reversed, vacated, or otherwise invalidated.

2. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Jeffrey L. Schmehl

Jeffrey L. Schmehl, J.